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1 it on Wednesday and maybe go again on
2 Friday.

3 Q. All right. Then on December --
4 I'm sorry. I think it was December the
5 10th that says you went back the second
6 or the third time to physical therapy.
7 Does that sound about right?

8 A. I went the whole month of
9 December and January and half of
10 February.

11 Q. And was physical therapy helping
12 you at all?

13 A. Oh, man, it was hurting me. It
14 was killing me.

15 Q. But was it helping you with pain
16 at home?

17 A. When I'd leave out from down
18 there, I'd be hurting so bad, I couldn't
19 even sleep. I told Dr. Howorth it was
20 hurting me worse than it was helping me.
21 So, he finally stopped it after two and a
22 half months.

23 Q. And would the pain get any

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1 better?

2 A. Because they x-rayed it. He
3 said one of my screws had moved and was
4 scrubbing my shoulder bone.

5 Q. And did he tell you why one of
6 the screws had moved?

7 A. He said the only thing he could
8 do is he might have to go back in and
9 rescope it or give me Cortisone. That
10 was all he could do.

11 Q. Okay. You hadn't had another
12 surgery, have you?

13 A. Huh-uh, not besides the leg and
14 the heart.

15 Q. I understand. But nothing else
16 on your shoulder?

17 A. Huh-uh (negative).

18 Q. Do you remember the first day
19 you went back to work? Was it like
20 December the 12th?

21 A. I can't remember exactly. I had
22 surgery on the 29th, and he told me to
23 take off a week. I can't remember

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1 exactly what day it was.

2 Q. And the time that you were off,
3 that's when you got that second check for
4 \$60 or whatever it was?

5 A. Yeah. That's when I had the
6 surgery. They sent me a check for \$60.
7 I laughed.

8 Q. Went back to Dr. Howorth again
9 on December the 29th. Does that sound
10 right?

11 A. I went to how many times, I
12 don't know exactly how many times I did
13 go. I went to him at least once a week
14 or once every two weeks in between
15 therapy.

16 Q. But if you visited with him on
17 the --

18 A. I can't remember exact dates.

19 Q. Well, if you visited with him on
20 the 8th, and he says come back in three
21 weeks for an assessment, you would make
22 your appointment before you left the
23 office; right?

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1 A. Yeah.

2 Q. So, you'd leave the office with
3 a little appointment card?

4 A. Yeah.

5 Q. Okay. So, then, if you went
6 back on December the 29th, that said
7 "follow up for your rotator cuff, wounds
8 are clean." Continue -- he put you on
9 Celebrex at that time for --

10 A. Yeah.

11 Q. -- discomfort?

12 A. Uh-huh (affirmative).

13 Q. Kept on going to physical
14 therapy?

15 A. Kept on going to physical
16 therapy.

17 Q. If he told you to come back in
18 three weeks, would you have made your
19 appointment before you left the office?

20 A. Yeah, I always did.

21 Q. Between the two visits on the
22 8th and the 29th during that 21-day
23 period, do you remember if you had any

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1 conversations with Ms. Victoria?

2 A. After I got surgery, I didn't
3 hardly ever call her back anymore. Until
4 I got surgery, I was calling her every
5 week, begging her to get me surgery.

6 Q. But then after the surgery, you
7 were going to therapy, and you were going
8 to the doctor?

9 A. Yeah, I was going to the doctor
10 and therapy twice a week.

11 Q. Okay. And then going to work
12 every night?

13 A. Going to work every night.

14 Q. And do you know how many more
15 conversations you had with her after
16 that?

17 A. It wasn't many.

18 Q. Okay. And did you have any
19 conversations with her after the surgery
20 that were not good conversations? Did
21 y'all --

22 A. We had one. I was in the office
23 at Wal-Mart. And we had one because I

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1 told her how bad I was in pain. I said,
2 "Y'all are killing me."

3 Q. That's after the surgery?

4 A. That's before the surgery.

5 Q. Okay. I was talking -- I'm
6 sorry.

7 A. We didn't have any trouble after
8 I got the surgery, you know.

9 Q. You didn't have any problems
10 with her after the surgery?

11 A. Huh-uh (negative).

12 Q. When you had the conversation
13 with her at the store, was there anybody
14 else in the room?

15 A. Rhonda Walker was sitting in
16 there because she thought I was fixing to
17 pass out my blood pressure had done shot
18 up so high.

19 Q. Did you go to the doctor?

20 A. Yeah. That's when -- I had done
21 made my appointment with Dr. Bill
22 Caypless. That's the reason they had to
23 put me on blood pressure and cholesterol

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1 medicine. I done got in bad shape.

2 Q. So, did you go see Dr. Caypless?
3 That's at Woodland; is that right?

4 A. Woodland, uh-huh.

5 Q. Did you go to him and get on
6 that medication before you had the
7 shoulder surgery?

8 A. No. I wasn't on any kind of
9 medication until I had surgery. After I
10 had surgery, that's when I had to start
11 medication.

12 Q. Okay. But you had the
13 conversation where your blood pressure
14 shot up high before the surgery?

15 A. Yeah. When I was getting
16 preadmitting, that woman -- she done a
17 heart thing on me down there because she
18 was worried I was going to have a stroke
19 because it was running 150 over 100. She
20 didn't even want me to leave the hospital
21 that day. She said, "You need to get in
22 here Monday and get this done."

23 Q. That was at Russell Hospital?

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1 A. Uh-huh (affirmative). She
2 didn't even want to let me go home. She
3 was scared I was going to have a stroke.

4 Q. Did you tell her you were okay?

5 A. She made me lay down and done
6 some kind of test on me. She said, "You
7 need to get to your regular doctor and
8 get you some blood pressure medicine
9 now."

10 Q. And you didn't get on blood
11 pressure medicine until after the
12 surgery?

13 A. After the surgery, I had to go
14 on blood pressure and cholesterol
15 medicine too. Both of them was out of
16 sight.

17 Q. Did they tell you what your
18 cholesterol was?

19 A. He told me, but I couldn't tell
20 you. Bill Caypless could tell you.

21 Q. But that's just from heredity
22 and --

23 A. Yeah.

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1 Q. -- maybe eating too much fried
2 food?

3 A. He just told me that me being in
4 pain for so long is the reason it went up
5 like that. He said, "You're probably
6 going to have it the rest of your life."

7 Q. Okay. So, Dr. Caypless told
8 you --

9 A. Told me that --

10 Q. -- that pain made your --

11 A. -- pain can make your blood
12 pressure shoot up.

13 Q. I understand blood pressure. I
14 was asking did he say that the pain made
15 your cholesterol go up?

16 A. That's what he said. He said
17 between all the pain I went through, my
18 cholesterol was out of sight, and my
19 blood pressure was out of sight too. I
20 check it pretty regular. It runs high
21 every day.

22 Q. Has the doctor told you that you
23 need to quit smoking?

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1 A. Oh. They're all going to tell
2 you that.

3 Q. Bear with me a minute, please.

4 When you went the day to take --
5 to get your surgery done on the 29th, did
6 they give you anything for your blood
7 pressure?

8 A. Huh-uh (negative). It was high
9 that day too.

10 Q. All right. We had last talked
11 about your December 29th visit with
12 Dr. Howorth; right?

13 A. Uh-huh (affirmative).

14 Q. Okay. And after that visit,
15 your next visit was about three weeks or
16 January 19th up there at the top. You
17 don't disagree with that?

18 A. I can't remember.

19 Q. Up there at the top.

20 A. I went to him the whole month of
21 December and January and February
22 before --

23 Q. Well, between the two visits, do

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1 you remember any conversations with
2 anybody at CMI, Ms. Victoria or anything
3 like that?

4 A. Not offhand.

5 Q. Okay. Do you remember if you
6 had talked to anybody at the store about
7 your shoulder?

8 A. No. Everybody just asked me how
9 I was doing.

10 Q. Okay. But that was just saying
11 "Are you feeling better"?

12 A. Yeah. Just asked me how I was
13 doing basically.

14 Q. And when you saw Dr. Howorth on
15 the 19th, he said that he felt like your
16 range of motion at that time was pretty
17 good and that you had 80 percent range of
18 motion. Did y'all discuss that?

19 A. I don't remember that.

20 Q. Okay.

21 A. He just told me that if he could
22 have lasered it back, it would have been
23 better. Since he couldn't laser it and

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1 had to put pins in it, he said, it
2 wouldn't never be right.

3 Q. Why couldn't he laser it back?

4 A. Because it was tore so -- it
5 done sagged -- it had pulled and
6 stretched so far from taking so long
7 about getting it done, that he had to
8 pull them up and put pins in them besides
9 lasering it.

10 Q. And when did he tell you that?

11 A. The day when I come out of
12 surgery, he said, "I had to put pins in
13 them. I couldn't do, you know, the laser
14 because it was stretched too bad."

15 Q. And he said it was stretched too
16 bad --

17 A. Yeah.

18 Q. -- because you had waited so
19 long to have the surgery?

20 A. Because I had waited so long to
21 get surgery.

22 Q. Okay. We're talking over each
23 other.

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1 A. Yeah.

2 Q. Let me finish my question, and
3 I'll let you finish your answer.

4 And that was the day you were at
5 the hospital before you left to come
6 home?

7 A. Yeah.

8 Q. And did he tell you that your
9 outcome would have been better --

10 A. Oh, yes.

11 Q. -- if you had had surgery --

12 A. Earlier.

13 Q. Okay. When did he tell that you
14 should have had surgery by?

15 A. He wanted me to do it on
16 November the 1st. That was on that
17 Wednesday when I seen him. He wanted me
18 in there on that Monday, and they denied
19 it.

20 Q. Did he tell you --

21 A. 28 more days.

22 Q. Did he tell you that if you had
23 had surgery on the 1st, that he would

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1 have been able to fix it with a laser?

2 A. Yeah.

3 Q. Between November the 1st and the
4 day you had the surgery, did you do
5 anything with your shoulder other than
6 keep it in a sling?

7 A. Kept it in a sling, that's it.

8 Q. Did you try to move it at all?

9 A. I couldn't it was hurting so
10 bad.

11 Q. You use it at work?

12 A. Huh-uh (negative).

13 Q. So, you walked around in a
14 sling?

15 A. In a sling, just using one hand.

16 Q. How many times did he tell you
17 that the surgical outcome would have been
18 better if you would have had the surgery
19 earlier? Did he ever tell you that --

20 A. That day when I left the
21 hospital. He said if he'd done it
22 earlier, he could have fixed it a lot
23 easier.

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1 Q. And is that the only time he
2 told you --

3 A. And then when I start back going
4 to him, they'd x-ray every time to see if
5 the screws and everything -- but one of
6 them had moved, and it was scraping my
7 bone.

8 Q. And he told you that this screw
9 had moved because --

10 A. Yeah, one of them had moved.

11 Q. He told you that it had moved
12 because of physical therapy?

13 A. I guess. That's the only thing
14 I could figure out that made it move.

15 Q. But he didn't tell you what made
16 it move?

17 A. No. He just said one of them
18 had -- he x-rayed it. And he just said
19 one of them looked like it had shifted
20 and was scraping my bone in there. He
21 said, "All I can do is give you
22 Cortisone."

23 Q. Okay. After you saw Dr. Howorth

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1 on the 19th -- and his note indicated
2 that you were doing okay with physical
3 therapy. Did you feel like the physical
4 therapy was doing you --

5 A. I kept telling him it was
6 hurting me every time I was doing it.

7 Q. Did you think it was improving
8 you, though?

9 A. Huh-uh, it was popping. It was
10 hurting. I was hurting worser when I
11 left there than I was when I went in.

12 Q. Okay. Did you ever tell anybody
13 that you --

14 A. I told Mark, the one that was
15 doing the therapy. He went over there
16 and talked to Howorth and told him it was
17 just popping and cracking, popping and
18 cracking.

19 Q. Okay. Did you ever tell anybody
20 that you felt like physical therapy was
21 helping you?

22 A. It wasn't. It was hurting.

23 Q. All right. I understand. I

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1 understand, but I'm not sure that I'm
2 understanding the answer to my question.
3 Did you ever tell anybody, Dr. Howorth or
4 Ms. Victoria or anybody --

5 A. I told Dr. Howorth that it was
6 hurting worse than it was doing any good.

7 Q. Okay. Did you ever tell
8 Dr. Howorth that physical therapy was
9 helping?

10 A. No, I never did tell him it was
11 helping me.

12 Q. Okay. Did you ever tell
13 Ms. Victoria that physical therapy was
14 helping?

15 A. No. She just asked me was I
16 doing it, and I told her, "Yeah, I was
17 trying to do the best I could with it."

18 Q. Okay. So, it's your testimony
19 that physical therapy never was helpful
20 to you?

21 A. Huh-uh. It was hurting me worse
22 than it did anything else. I don't know
23 whether it was the screws in it or what,

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1 but it was hurting.

2 Q. And Dr. Howorth kept you going
3 to physical therapy?

4 A. For two and a half months.

5 Q. Okay. Did you ever ask
6 Ms. Victoria to make them stop physical
7 therapy?

8 A. No. I just asked him, and he
9 stopped it. He called over and told Mark
10 if it's hurting him worse than it's doing
11 him any good, we'll just stop it.

12 Q. Okay. All right. After January
13 the 19th, you went back and saw
14 Dr. Howorth on February the 8th. Do you
15 have any recollection of those specific
16 visits?

17 A. Nothing besides he'd x-ray it
18 every time I'd go. And that's about it.
19 He just x-rayed it.

20 Q. Did you ever tell him that you
21 were only having a little bit of pain?

22 A. No.

23 Q. Did you ever tell him that the

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1 pain was reduced because of physical
2 therapy and since your previous visits?

3 A. I don't understand what you're
4 saying here.

5 Q. Did you ever tell Dr. Howorth
6 that physical therapy was making the pain
7 less?

8 A. No. I told him it was making it
9 worse.

10 Q. Okay. And he was keeping you on
11 light duty --

12 A. Yeah.

13 Q. -- at work?

14 A. I was still using one arm. I
15 couldn't pick up nothing with this one
16 (indicating).

17 Q. Now, were you taking pain
18 medication the whole time?

19 A. Well, what Dr. Shirah give me.
20 And then he was giving me some. I think
21 it was Darvocet.

22 Q. "He" being Dr. Howorth?

23 A. Howorth. After I had surgery,

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1 he give me Darvocet for a while there.

2 Q. Okay. And after you -- do you
3 remember how many pills he gave you or
4 tablets?

5 A. About 20 at a time, I think. It
6 wasn't many.

7 Q. Did you get several
8 prescriptions?

9 A. Oh, yeah.

10 Q. Where did you have your
11 prescriptions filled?

12 A. Wal-Mart. They paid for it.

13 Q. Okay.

14 A. As long as I was in therapy, I
15 had to have something for pain.

16 Q. Was there ever a period of
17 time -- well, let me ask it this way:
18 So, while you were actually going to
19 physical therapy, did you take pain
20 medication continuously?

21 A. I had to try to take it where I
22 could get some sleep to go to work.
23 That's the only way I could do it.